

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil Action No. _____

Muhammad Shahraiz Bajwa, as
Emergency Conservator on Behalf of
Muhammad Shahzaib Bajwa,

Plaintiff,

v.

Peter T. Olsen, M.D. and Cloquet
Community Memorial Hospital,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, for his cause of action against the Defendants, jointly and
severally, states and alleges as follows:

1. Muhammad Shahzaib Bajwa (hereinafter "Zaib Bajwa") is a citizen of Pakistan who was injured on November 13, 2013, in a collision between a car and a deer. The collision occurred in Carlton County, Minnesota.
2. Zaib Bajwa is a citizen and resident of Pakistan. At the time of the collision, Zaib Bajwa was temporarily in the United States on a student exchange visa.
3. Zaib Bajwa is presently residing in St. Louis County, Minnesota while he receives long-term medical care for the injuries complained of in this Complaint.

4. Cloquet Community Memorial Hospital (hereinafter "Cloquet Hospital") is a Minnesota non-profit corporation engaged in the business of operating a hospital in Cloquet, Carlton County, Minnesota.

Cloquet Hospital may be served at its registered office address, 512 Skyline Boulevard, Cloquet, MN 55720.

5. Peter T. Olsen, M. D. (hereinafter "Dr. Olsen") is a physician licensed by the State of Minnesota who resides in St. Louis County, Minnesota, and who at all times material herein was engaged in the practice of medicine as an employee of Cloquet Hospital.

Peter T. Olsen, M.D. may be served at his place of residence, 330 North 8th Avenue East, Duluth, Minnesota 55805.

6. Pursuant to 28 U.S.C. §§ 1332 and 1391(a), this Court has original jurisdiction of this action and venue is proper because the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, there exists complete diversity between the parties, and a substantial part of the event or omissions giving rise to the claim occurred within this judicial district.

7. On November 13, 2013, Dr. Olsen provided care to Zaib Bajwa at the Emergency Department of Cloquet Hospital for, among other things, severe facial and head trauma.

8. When providing medical care and treatment to Zaib Bajwa on November 13, 2013, Dr. Olsen departed from the degree of skill and care ordinarily exercised by physicians under the same or similar circumstances. By way of example, and without intending any limitation, Dr. Olsen failed to timely

establish and ensure that Zaib Bajwa had an adequate and unobstructed airway.

9. Dr. Olson, while treating Zaib Bajwa in the Emergency Department of Cloquet Hospital on November 13, 2013, is held to the same standard of care that a reasonable and careful Emergency Room physician would use in similar circumstances.

10. At all times material herein, Dr. Olsen was engaged in the practice of emergency room medicine as an agent and/or employee of Cloquet Hospital.

11. At all times material herein, Dr. Olsen was acting within the course and scope of his employment with Cloquet Hospital.

12. Cloquet Hospital is responsible for the acts and omissions of Dr. Olsen by the legal theory of respondeat superior. Dr. Olsen's negligence is attributable to Cloquet Hospital.

13. As a direct and proximate result of the negligence of Dr. Olsen, Zaib Bajwa has been permanently injured and disabled. By way of example, and without any limitation, Dr. Olsen's failure to timely establish and ensure an adequate airway was a direct contributing cause of permanent anoxic brain injury and damage.

14. As a further direct and proximate result of the negligence of Dr. Olsen, Zaib Bajwa has endured past pain, disability and emotional distress and will in the future endure pain, disability and emotional distress.

15. As a further direct and proximate result of the negligence of Dr. Olsen, Zaib Bajwa has incurred expenses for medical care and treatment of his


injuries and in the future will be required to incur expenses for medical care and treatment of his injuries.

16. As a further direct and proximate result of the negligence of Dr. Olsen, Zaib Bajwa has sustained past wage loss and will in the future sustain a reduction in his earning capacity.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, in a reasonable sum in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with his costs and disbursements herein and allowable interest.

PLAINTIFF DEMANDS A JURY TRIAL FOR ALL OF THE ISSUES AND CAUSES PLEADED HEREIN.

Dated: 28 MARCH 2014



s/Paul F. Schweiger

Paul F. Schweiger, #98280

Attorney For Plaintiff

Sieben, Grose, Von Holtum

& Carey, LTD

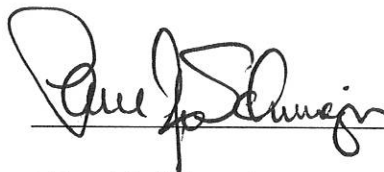
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ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211, Sub. 1, to the party against whom the allegations in this pleading are asserted.



s/Paul F. Schweiger

Paul F. Schweiger

Attorney at Law